

MINUTES
RULES COMMITTEE MEETING
COMMISSION FOR MH/DD/SAS
Sheraton Raleigh Capital Center Hotel
(421 S. Salisbury Street)

Monday, February 2, 2004

Attending:

Commission/Committee Members: Floyd McCullouch, Chair, Anna Scheyett, Co-Chair, Dorothy Crawford, Fredrica Turner Stell, Laura Coker, Pearl Finch, Mansfield Elmore, Ann Forbes, Tom Ryba, Lois Batton

Ex-Officio Members: Mike Mayer, Joe Donovan, Sally Cameron, Janet Schanzenbach for Carol Clayton

Excused: Mazie Fleetwood, Emily Moore, Albert Fisher, Martha Martinat, George Jones, Pender McElroy

Others: Peggy Balak, Don Willis, Cindy Kornegay, Stephanie Alexander, Susan Collins, Flo Stein, Chris Phillips, Bonnie Morell, Dick Oliver, Stephen Halbig, Sherrie Swartz, Ellen Russell, Cynthia Temoshenko, John L. Crawford

Handouts: Agenda; October 1, 2003 Minutes; Proposed Rules Language – LME Requirements; Proposed Rules Language – Provider Requirements

Chair Floyd McCullouch called the meeting to order at 9:40 a.m.

All members, staff and visitors made introductions. Mr. McCullouch introduced new members: Ann Forbes and Tom Ryba

A motion was made to approve the Minutes from the October 1, 2003 meeting. The motion was seconded and it passed unanimously.

Proposed Rules Changes and Request for Permission to Publish Text –

Peggy Balak explained the need for revisions of the Requirements Rules to reflect the new administrative structures under mental health reform statute, and introduced Cindy Kornegay to present these rules. Ms. Kornegay explained that there were no substantive changes in 10A NCAC 27G (Provider requirements), just minor amendments and repeals. She said 10A NCAC 27I (LME requirements) is compiled of proposed new language and proposed transfer or modification of existing language to the new Subchapter.

A panel of staff from the Division was available to answer questions from the Commission members and visitors. They were: Cindy Kornegay, Peggy Balak, Dick Oliver and Bonnie Morell.

There was much discussion concerning the Area Programs becoming LMEs by the July 1, 2004 deadline. The Team Leader of the LME Performance Team, Dick Oliver, assured the Commission members the Plan includes the continuation of service provision, and the Director and the Secretary will be flexible with those with intent to follow through.

There was a request for a document to be provided to the Commission members showing where counties are in the process. Mr. Oliver's staff will provide this to the Commission members.

Mr. Oliver presented the proposed LME rules page-by-page for the Commission members to comment on.

In 10A NCAC 27I .0201(2)(A), there was concern as to how the crisis response service will be handled.

In 10A NCAC 27I .0203(a)(1)(F), there was a request to change the wording to "date of termination of service."

In 10A NCAC 27I .0203(2), it was requested to change the language to "the current edition of DSM", and in 10A NCAC 27I .0203(5), it was requested to change the language to "the current edition of ICD".

10A NCAC 27I .0205 is a rule regarding Communication Procedures for Out of Home Community Placement. There was a question about the need for a rule concerning return to the home community and the need to have discharge planning and transfer planning addressed.

In 10A NCAC 27I .0206, the phrase "area program" needs to be replaced with "governing body." Except in (c)(3)(D), area program should be replaced with "LME." Also in the same rule, (h), there was discussion about the 90 days of the initial report of the incident. Some felt the timeline was too long. The consensus was to bring this up during the comment period.

In 10A NCAC 27I .0207(c)(1), it was suggested to add to the end of the sentence "and facilitate client choice."

Bonnie Morell explained 10A NCAC 27I .0208 and the criteria for becoming a qualified provider.

Don Willis informed the Commission members that more detailed requirements beyond what is in rule are included in the Memorandum of Agreement.

There was discussion around (b) of this rule and it was agreed that additional work would be done to clarify this language.

10A NCAC 27I .0300 – LME Monitoring of Facilities and Services Rules Section are the proposed Secretary rules in process now. There was discussion concerning 10A NCAC 27I .0302(2)(a) and the use of the word “practical.”

Also, in 10A NCAC 27I .0304, there was comment concerning consistency in wording, and a recommendation to add “at the level closest to the root of the problem” to mirror language in 10A NCAC 27I .0305(a)(2).

In 10A NCAC 27I .0308, there was discussion concerning HIPAA requirements.

The next set of rules was the Provider Requirements Rules. There were no changes to these recommended rules.

Fredrica Stell made a motion for the Rules Committee to give a favorable report to the full Commission for these rules to move forward. Lois Batton seconded the motion. The motion passed unanimously.

Division Update

Don Willis suggested and the Commission members agreed to move the update up to Wednesday, February 4, to be brought before the full Commission by Dr. Visingardi.

There being no new business, the meeting was adjourned by the Chair of the Rules Committee at 2:25 p.m.